

IN RE: PETITION FOR ZONING VARIANCE  
N/S Everett Road, 650' +/- W  
of York Road  
(400 Everett Road)  
7th Election District  
3rd Councilmanic District  
Kenneth C. Bollinger, Jr., et ux  
Petitioners

\* BEFORE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-212-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 28 feet in lieu of the required 50 feet for a proposed addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 400 Everett Road, is zoned R.C. 5 and is currently improved with a single family dwelling which has been the Petitioners' residence for over 20 years. Petitioners propose constructing a 14' x 16' "Florida room" addition; however, due to the location of the existing well and septic system and the layout of the land, the proposed addition must be placed on the side of the property requiring a variance. Petitioners indicated they had no objection to their plans. Further testimony indicated that the addition will be on the side of the property adjacent to a corn field. Petitioners argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of December, 1988 that the Petition for Zoning Variance to permit a side yard setback of 28 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING  
Date 12/23/88  
By [Signature]

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333 / 887-3353  
J. Robert Haines  
Zoning Commissioner

December 23, 1988

Mr. & Mrs. Kenneth C. Bollinger, Jr.  
400 Everett Road  
Monkton, Maryland 21111

RE: PETITION FOR ZONING VARIANCE  
N/S Everett Road, 650' +/- W of York Road  
(400 Everett Road)  
7th Election District - 3rd Councilmanic District  
Kenneth C. Bollinger, Jr., et ux - Petitioners  
Case No. 89-212-A

Dear Mr. & Mrs. Bollinger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 23, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 22, 1988.

TOWSON TIMES,

S. Zabe Olson  
Publisher

PO 05879

reg M 20429

case 89-212-A

price 63.80

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
Case number: 89-212-A  
N/S Everett Road, 650' +/- W of York Road  
(400 Everett Road)  
7th Election District  
3rd Councilmanic District  
Petitioners: Kenneth C. Bollinger, Jr., et ux  
Hearing Date: Friday, December 9, 1988 at 9:30 a.m.  
at 5:30 p.m.  
Hearing Place: Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 18, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 17, 1988.

THE JEFFERSONIAN,

S. Zabe Olson  
Publisher

PO 05879

reg M 20429

case 88-22-A

price \$37.50

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-212-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 To allow a side yard setback of 28 ft. in lieu of the required 50 ft.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. The difficulty or hardship is peculiar to the subject. Property in contact with other properties in the Zoning District.
  2. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Kenneth C. Bollinger, Jr.

(Type or Print Name)

Signature

Ethel F. Bollinger

(Type or Print Name)

Signature

400 Everett Road 357-5718

Address

Monkton, MD 21111

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

Ordered By The Zoning Commissioner of Baltimore County, this 13th day

of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of December, 1988, at 9:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333 / 887-3353  
J. Robert Haines  
Zoning Commissioner

October 26, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
Case number: 89-212-A  
N/S Everett Road, 650' +/- W of York Road  
(400 Everett Road)  
7th Election District - 3rd Councilmanic District  
Petitioners: Kenneth C. Bollinger, Jr., et ux  
Hearing Date: Friday, December 9, 1988 at 9:30 a.m.

Variance to allow a side yard setback of 28 ft. in lieu of the required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Bollinger  
File

IF PHASE II OF THE SHOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 6:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DCKET CLERK AT 494-3371 or 887-339110 CONFIRM DATE.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th  
Date of Posting: November 24, 1988  
Posted for: Variance  
Petitioner: Kenneth C. Bollinger, Jr. et ux  
Location of property: N/S Everett Road, 650' +/- W of York Road  
(400 Everett Road)  
Location of sign: In front of 400 Everett Road  
Remarks: [Signature]  
Posted by: [Signature]  
Date of return: November 23, 1988  
Number of Signs: 1

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office 5) minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 058985

DATE 12-23-88 ACCOUNT 200015-000

AMOUNT \$ 116.50

RECEIVED FROM K. C. Bollinger

FOR: [Signature]

DATE 12-23-88

BY: [Signature]

FOR: [Signature]

DATE 12-23-88

BY: [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353 / 887-3353

J. Robert Haines  
Zoning Commissioner

October 26, 1988

## NOTICE OF HEARING

Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-212-A  
NS Everett Road, 550' ± W York Road  
(400 Everett Road)  
7th Election District - 3rd Councilmanic  
Petitioner(s): Kenneth C. Bollinger, Jr., et ux  
HEARING SCHEDULED: FRIDAY, DECEMBER 9, 1988 at 9:30 a.m.

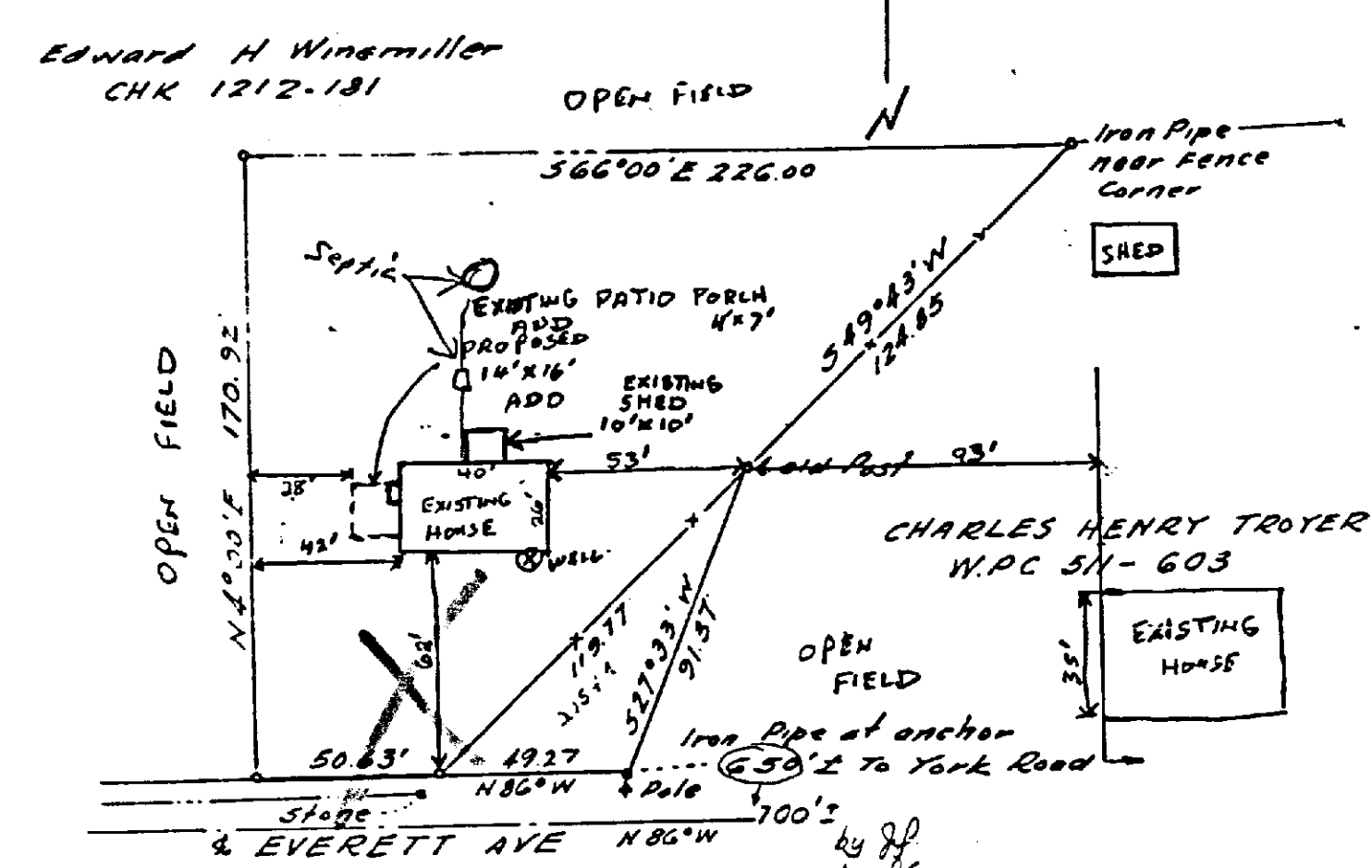
Variance to allow a side yard setback of 28 ft. in lieu of the required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Mr. & Mrs. Bollinger  
File

NOTICE:  
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DICKET CLERK AT 494-3391 or 887-3391 TO CONFIRM DATE.



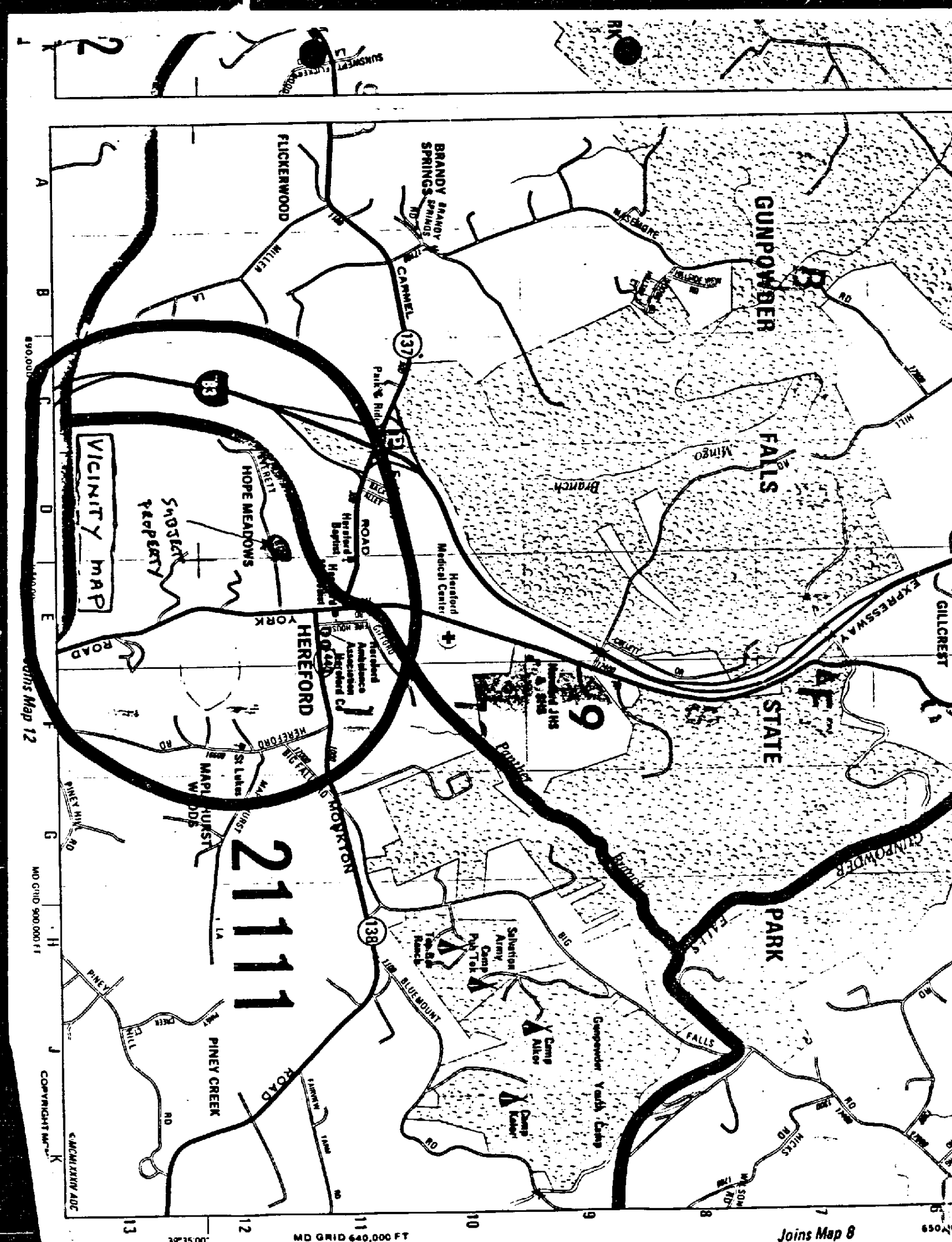
PLAT FOR ZONING VARIANCE  
OWNERS: KENNETH C. BOLLINGER, JR.  
AND STEPHEN F. BOLLINGER  
400 EVERETT RD DISTRICT 7  
ZONED R-5

LOT SIZE - 54 AC

**PETITIONER'S  
OBJECTION**

JOHN ALLEN DYE  
Chairman, Zoning Plans  
Advisory Committee

*John A. Diven*  
10/25



89-212-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
13th day of October, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Kenneth C. Bollinger, Jr., received by: James E. Dyer  
Petitioner's Attorney Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reinke  
Chief

November 10, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Kenneth C. Bollinger, Jr., et ux

Location: NS Everett Road, 650' ± W. of York Road  
400 Everett Road

Item No.: 130 Zoning Agenda: Meeting of 10/11/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Haines* 10/12/88 NOTED &  
Planning Group APPROVED: \_\_\_\_\_  
Special Inspection Division Fire Prevention Bureau

/j1

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 2, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. & Mrs. Kenneth C. Bollinger, Jr.  
400 Everett Road  
Monkton, Maryland 21111

RE: Item No. 130, Case No. 89-212-A  
Petitioner: Kenneth C. Bollinger, Jr., et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Bollinger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 28, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 124, 129, (130) 131, 132, 133, 134, 135, 136, 138, and 139.

Very truly yours,

*Michael S. Planigan*  
Michael S. Planigan  
Engineering Associate

MSF/lw

RECEIVED  
NOV 9 1988  
ZONING OFFICE

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner Date: November 29, 1988

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Zoning Petition Nos. 89-187-A (Ryan Hoes); 89-188-A (Healy); 89-202-A (Cromwell Station Joint Venture); 89-206-A (Krivitski); 89-207-A (Minton); 89-211-A (Biv-Greenspring Ave.); 89-212-A (Bollinger); 89-217-A (Dobryzowski); 89-218-A (Yanchus); 89-228-A (Bosse); (89-230-A [Ray] and 89-231-A [Katricks] - located in Critical Area) and 89-235-A (Elevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

PK/ef

RECEIVED  
NOV 30 1988  
ZONING OFFICE

*cc: Mr. & Mrs. Bollinger*  
12/2/88